IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 125 OF 2007

MR. FRANCISCO XAVIER NUNES AND ANR., ... Petitioners

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ... Respondents

Mr. Yogesh V. Nadkarni,Advocate for the petitioners.

Mr.S.R.Rivonkar, Government Advocate for respondent Nos.1, 2 and 5.

Mr.A.F.Diniz, Advocate for respondent No.3.

Mr.D.Lavande, Advocate for respondent No.4.

Mr.D.Pangam for respondent No.6.

Coram:- R.M.S. KHANDEPARKAR & R. S. MOHITE, JJ.

Date:- 24th August, 2007

P.C.

The learned advocate for the respondent No.6 has placed on record the undertaking on behalf of the respondent No.6 under the signature of Managing Partner of respondent No.6. In terms of the said undertaking, the respondent No.6 has assured that no openings would be kept facing the Northern side of the building in question, wherever Northern side wall of the building is either on the boundary wall of the plot or within the area of 1.5 metres inside the said plot from the Northern boundary. We accept the said undertaking.

2. The respondent No.6 has also assured to carry out necessary repairs for the closure of the openings towards Northern side. The said work would be completed within three months. We accept that undertaking

also. In view of the undertakings given by the respondent No.6, the learned advocate for the petitioners craves leave to withdraw the petition with liberty to take out appropriate proceedings before the appropriate forum in relation to the other grievances which are made by the petitioners in the petition. We accordingly, while accepting the undertakings on behalf of the respondent No.6, allow the petitioners to withdraw the petition with liberty as prayed for. It is also to be noted that the learned advocate for the petitioners has fairly submitted that the petitioners will have no objection for the respondent No.6 carrying out repairs of the openings on the Northern side of the wall by entering into their property provided prior intimation in that regard is given, atleast 72 hours prior to the work to be carried out. We make it clear that we have not expressed any opinion on any of the issues sought to be raised in the matter.

3. The petition accordingly stands disposed of while accepting the said undertakings on behalf of the respondent No.6 with the said liberty as prayed for by the petitioners.

R.M.S. KHANDEPARKAR, J.

R. S. MOHITE, J.

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